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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

96 WYTHE ACQUISITION LLC,

Debtor.

Chapter 11

Case No. 21-22108 (RDD)

NOTICE OF NORENSBERG’S FAILURE TO COMPLY WITH RULE 45 SUBPOENA

PLEASE TAKE NOTICE that on December 14, 2021, the Court entered the *Second Amended Order Directing the Appointment of an Examiner Pursuant to 11 U.S.C. § 1104(c)* [ECF # 224], which, among other things, permits the court-appointed examiner (the “Examiner”) to issue Federal Rule of Civil Procedure 45 subpoenas concerning matters within the scope of the Examination Topics (as defined therein) without further order of the Court.

PLEASE TAKE NOTICE that on December 17, 2021, the Examiner, served a Rule 45 Subpoena (the “Subpoena”) upon Norensberg and Associates Inc. (“Norensberg”) by Priority Mail Express at Norensberg and Associates Inc., 29 Frost Lane, Lawrence, NY 11550, Attn: Daniel Norensberg [ECF # 230], Norensberg and Associates Inc. 343 Paul Place West Hempstead, NY

11552 [ECF # 232], and Norensberg and Associates Inc. 29 Frost Lane, Lawrence, NY 11559 [ECF # 232].

PLEASE TAKE NOTICE that also on December 17, 2021, counsel to the Examiner sent a courtesy copy of the Subpoena to Mr. Daniel Norensberg by email at DANIEL@NORENSBERG.COM.

PLEASE TAKE NOTICE that the Subpoena had a response date of December 31, 2021.

PLEASE TAKE NOTICE that following the Court's entry of an Order [ECF # 287] denying the *Debtor's Motion to Clarify and Amend Second Amended Order Directing Appointment of an Examiner Pursuant to 11 U.S.C. § 1104(c); Limit and/or Quash Subpoenas that Exceed Scope of Examination, and Related Relief* [ECF # 238], on January 12, 2022, counsel to the Examiner sent a letter to Norensberg sharing a copy of the referenced order and requesting compliance with the Subpoena as soon as possible.

PLEASE TAKE NOTICE that as of the time of this Notice, neither the Examiner nor his counsel has received any response whatsoever from Norensberg to the Subpoena.

PLEASE TAKE NOTICE that the Examiner reserves all rights with respect to Norensberg's failure to comply with the Subpoena.

Dated: New York, New York
January 26, 2022

LOCKE LORD LLP

By: /s/ Stephanie Wickowski
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